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Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime

Eighth session
Vienna, 21 February-3 March 2000
Agenda item 3
Consideration of the revised draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 2, 2 *bis* (subparagraph (a) only), 4, 4 *bis*, 4 *ter*, 4 *quater*, 7, 7 *bis*, 7 *ter*, 17, 17 *bis*, 18, 18 *bis* and 18 *ter*

Proposals and contributions

Recommendations of informal working group on article 4, paragraph 1 bis, of the revised draft United Nations Convention against Transnational Organized Crime, convened during the seventh session of the Ad Hoc Committee

The informal working group on article 4, paragraph 1 *bis*, convened during the seventh session of the Ad Hoc Committee submits the following amended text for article 4, paragraph 2, for discussion by the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime (the current text of paragraph 1 *bis* would be deleted):

"2. For purposes of implementing or applying paragraph 1 of this article:

"(a) States Parties shall seek to apply paragraph 1 to the widest range of predicate offences;

"(b) States Parties shall include as predicate offences:

(i) [All serious crimes] [All serious crimes involving an organized criminal group and the offences established in articles 3, 4 *ter* and 17 *bis* of this Convention];[1] or

[1] Depending on the outcome of discussions on article 2, the latter bracketed words might be replaced with the words "crimes covered by this Convention".

(ii) If all serious crimes are not included, at a minimum, a comprehensive range of serious offences, including all offences associated with organized criminal groups and all offences that generate significant proceeds;

"(c) States Parties implementing subparagraph (b) (ii) above shall furnish copies or a description of their laws to the Secretary-General of the United Nations;

"(d) [*Still to be addressed in the issue of foreign predicate offences; see the current text of paragraph 2 (a).*];

"(e) If required by the basic principles of a State Party's penal law, then it may be provided that the offences set forth in paragraph 1 of this article do not apply to the persons who committed the predicate offence;

"(f) Knowledge, intent or purpose required as an element of an offence set forth in that paragraph may be inferred from objective factual circumstances.[2]"

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[2] Current text of paragraph 2 (b).